

# **EXHIBIT 5**

---

**From:** Greene, Cara <[ceg@outtengolden.com](mailto:ceg@outtengolden.com)>  
**Sent:** Wednesday, November 9, 2022 9:33 AM  
**To:** Tomezko, Sara B. <[saratommezko@paulhastings.com](mailto:saratomezko@paulhastings.com)>; Gage, Kenneth W. <[kennethgage@paulhastings.com](mailto:kennethgage@paulhastings.com)>  
**Cc:** Chiarello, Gregory <[gchiarello@outtengolden.com](mailto:gchiarello@outtengolden.com)>; Gelfand, Shira Z. <[sgelfand@outtengolden.com](mailto:sgelfand@outtengolden.com)>  
**Subject:** [EXT] Re: Rowe/Google

Hi Sara,

We will draft something for the court on the expert schedule and are okay to leave the other days unchanged.

With respect to the individuals you have listed, we have yet to determine what evidence or witnesses we will seek to introduce at trial, but we will identify them as part of the JPTO. For purposes of supplementing your production, please provide us with updated compensation information for the following:

Jonathan Donaldson;  
Evren Eyruek;  
Nick Harteau;  
Ben Wilson;  
Paul Strong;  
Stuart Breslow;  
Yolande Piazza;  
Will Grannis; and  
Any individuals for whom Google previously produced discovery and whom Google intends to call as a witness at trial.

Thank you.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)



**Cara Greene | Partner**  
685 Third Ave 25th Floor | New York, NY 10017  
Main: 212-245-1000 Fax: 646-509-2063

Email: ceg@outtengolden.com



This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Please consider the environment before printing this e-mail.

---

**From:** Tomezsko, Sara B. <[saratommezsko@paulhastings.com](mailto:saratomezsko@paulhastings.com)>  
**Sent:** Tuesday, November 8, 2022, 4:41 PM  
**To:** Greene, Cara <[ceg@outtengolden.com](mailto:ceg@outtengolden.com)>; Gage, Kenneth W. <[kennethgage@paulhastings.com](mailto:kennethgage@paulhastings.com)>  
**Cc:** Chiarello, Gregory <[gchiarello@outtengolden.com](mailto:gchiarello@outtengolden.com)>; Gelfand, Shira Z. <[sgelfand@outtengolden.com](mailto:sgelfand@outtengolden.com)>  
**Subject:** [EXTERNAL] RE: Rowe/Google

Hi Cara –

We are fine with your proposed revisions to the expert discovery schedule. Will you be submitting a letter to the Court requesting the extension, or did you want to submit the new schedule as a stipulation?

On the remainder of the schedule, I'm aware of what Ken had previously suggested. Upon further reflection, we don't think that proceeding under the current order will pose much difficulty. It also seems to be the judge's preference to proceed this way, as the JTPO requires us to list the MILs as one of the line items in the order. We also don't think it's necessary to exchange draft lists of exhibits and witnesses in advance of the 21<sup>st</sup>. If either party intends to introduce evidence at trial the other side finds objectionable, each will have the right to state their objections in the JTPO.

Thank you for letting us know about the Eng comparators. For the avoidance of doubt, is this the complete list of individuals whose pay and other information Ms. Rowe will be offering into evidence at trial (either as to the 194 claim or otherwise)?

Jonathan Donaldson;  
Evren Eyruek;  
Nick Harteau;  
Paul Strong;  
Ben Wilson;  
the three L8s addressed in the summary judgment papers (Scott Penberthy, Kawaljit Ghandi, Massimo Mascaro);  
Yolande Piazza; and  
Will Grannis

With the narrowed list, we may be able to expedite the formal production of additional information.

Let us know as soon as possible.

**PAUL  
HASTINGS**

**Sara Tomezsko | Associate, Employment Law Department**  
Paul Hastings LLP | 200 Park Avenue, New York, NY 10166 | Direct: +1.212.318.6267 | [+1.212.318.6000](tel:+12123186267) | Fax: +1.212.230.7767 | [saratommezsko@paulhastings.com](mailto:saratomezsko@paulhastings.com) | [www.paulhastings.com](http://www.paulhastings.com) | Pronouns: she/her